

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
April 23, 2015

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:35 PM.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 7, 2015; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 7, 2015; and notice was filed with the Township Clerk on January 7, 2015.

Roll Call

Answering present to the roll call were Committeeman Kelly, Committeewoman Swartz, Deputy Mayor Ritter and Mayor Sullivan. Committeeman Gallop was absent.

Approval of Agenda

The Agenda was approved as written.

Recognition – Honoring Otto Vopelius

RESOLUTION 2015-097
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM HONORING OTTO W. VOPELIUS FOR SIXTY YEARS OF VOLUNTEER
SERVICE TO THE CHATHAM TOWNSHIP FIRE DEPARTMENT.

WHEREAS, Otto W. Vopelius joined what was then the Long Hill Fire Department in 1955, and

WHEREAS, Otto Vopelius held many positions within the Chatham Township Fire Department including Chief from 1959 – 1965, and

WHEREAS, Otto continued his uninterrupted service until the present and has been a beacon of leadership and volunteerism; and

WHEREAS, past and present members have relied upon Otto as a trusted advisor and Otto is now the beloved patriarch of the Department, and

WHEREAS, Otto also proudly served his country as a member of the U.S. Navy from 1945 through 1948, and

WHEREAS Otto also served the Township of Chatham as its longstanding Superintendent of the Public Works Department instilling pride and dedication that has carried through to the present day as the department is and has been lead by men that Otto hired and trained, and

WHEREAS, The Township of Chatham wishes to acknowledge Otto's positive attitude and long time love of the Township and of the Chatham Township Fire Department as demonstrated by his 60 years of volunteer service, and

WHEREAS, April is National Volunteer Month and the Township Committee hereby holds up Otto Vopelius as a model for all to emulate.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that we hereby call upon residents to join with us in expressing our sincere appreciation to Otto W. Vopelius, for his distinguished service as a 60 year member of the Chatham Township Fire Department and further, wish him and his loving wife Dotty, best wishes for health and happiness in the years ahead in their new home in Pine Beach.

Mayor Sullivan read aloud the above resolution honoring long-time volunteer and former Township employee Otto Vopelius.

Committeewoman Swartz moved to pass Resolution 2015-097. Committeeman Kelly seconded the motion.

Roll call: Committeeman Gallop, Absent; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Bill Vopelius spoke on behalf of Otto, who was unable to attend the meeting.

Chief Evans of the Chatham Township Volunteer Fire Department also spoke on behalf of Otto Vopelius, and cited his contributions to the Fire Department.

Proclamation – Armenian Genocide

Mayor Sullivan read aloud the attached proclamation recognizing and remembering the Armenian Genocide of 1915. He also said that it is important to remember history, and that evils such as genocide need to be confronted.

Joe Basralian spoke on behalf of several Township residents who are of Armenian heritage.

Mayor Sullivan noted that Mr. Basralian is a Township volunteer, and is the chairman of the Open Space Committee.

Reports

Committeewoman Swartz reported that the Madison Health Department has available appointments for gynecological screenings for women of all ages. She also reported that the CDC has closed the alert on the measles outbreak. Committeewoman Swartz also reported that she attended the Environmental Commission's Earth Day Cleanup Event, and she recognized organizations and volunteers who contributed to the effort. The Senior Center is having their 25th Anniversary Gala on April 24th, and will have a paper shredding fundraiser on April 25th. The Senior Center is also seeking volunteers. Committeewoman Swartz also reported that the Township Public Works employee Mike Hajjar is running a fundraiser for Mecp2 Duplication Syndrome research.

Committeeman Kelly reported that the Public Works Department is busy working on Colony Pool preparations, athletic field maintenance and filling potholes. He also reported that the Community Garden still has available plots.

Deputy Mayor Ritter reported that the Communications Committee is working on the May/June newsletter. He also encouraged residents to follow the Township's Facebook page and Twitter account. Deputy Mayor Ritter further noted that the Colony Pool Advisory Committee will be meeting soon, and registrations are available for the 2015 season. He also encouraged residents to consider volunteering for the two fire departments serving the Township.

Administrator Ciccarone reported that the State has finally promulgated the user-friendly budget forms.

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.

1. Dot Stillinger, Chairwoman of the Chatham Township Environmental Commission, thanked all those who volunteered at the Earth Day Cleanup Event. Mayor Sullivan thanked Mrs. Stillinger for her years of volunteer service to the Township.

Seeing no further comment, Mayor Sullivan closed the Hearing of Citizens.

Public Hearing/Final Adoption of Ordinances

Ordinance 2015-10

**ORDINANCE 2015-10
AN ORDINANCE AMENDING CHAPTER XXX, ARTICLE 7, TITLED "ZONING
REGULATIONS", SECTION 30-96.9, TITLED "PROHIBITED USES", OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF CHATHAM PROHIBITING
UNREGULATED PIPELINES IN ANY ZONING DISTRICT**

WHEREAS, because certain pipelines are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities; and

WHEREAS, because these pipelines are designed to transport a variety of materials, including hazardous substances which, if a discharge occurred, result in environmental degradation to the environment, including the land, water and air; and

WHEREAS, because these pipelines do not directly provide the public with necessities, such as electricity, gas, telephone, water or wastewater service; and

WHEREAS, because these pipelines may pose a threat to the infrastructure that provides these public utility services; and

WHEREAS, because these pipelines are not public utilities that distribute services to end users and are unregulated by the Board of Public Utilities, there is limited accountability to the public; and

WHEREAS, the Township Committee of the Township of Chatham believes that it is in the best interest of the health and welfare of its residents that Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, be clarified to provide that pipelines that are not public utilities that distribute services to end users and are unregulated by the Board of Public Utilities are specifically prohibited within the Township of Chatham.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. Chapter XXX of the Land Development Regulations of the Township of Chatham, Article 7, titled “Zoning Regulations”, Section 30-96.9, titled “Prohibited Uses”, is hereby amended as follows:

30-96.9 Prohibited Uses

- a. Where a use is not specifically permitted in a zone district, it is prohibited.
- b. Pipelines that are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities are prohibited in all zone districts.

Section 2. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 3. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Attorney Cruz noted that the Planning Board performed their review of the ordinance, and have sent a letter to the Township Committee asserting that the ordinance is not inconsistent with the Master Plan and the ordinance furthers the objectives of the Master Plan.

Mayor Sullivan opened the Public Hearing on Ordinance 2015-10.

1. Dr. Michael Leung, 35 Runnymede Road, read from a report the hard prepared about the dangers of toxins that are found in petroleum projects.
2. Sally Rubin, Executive Director of the Great Swamp Watershed Association, said that this ordinance will have an impact on protecting local water resources, and she thanked the Township Committee for producing this ordinance. The Great Swamp Watershed Association supports the passage of this ordinance. Mrs. Rubin said that the Passaic River provides drinking water for many New Jersey residents, and an oil spill from the Pilgrim Pipeline would be catastrophic. An oil leak would also be detrimental to wildlife.

3. Jane Devlin, 25 Hickory Place, expressed her support for Ordinance 2015-10, and said that the Township is to be commended for its proactive approach on this matter.
4. Ken Dolsky, 21 Winfield Drive (Parsippany), mentioned that this ordinance would also apply to refined petroleum products, which can also have devastating environmental effects.
5. Brendan Keating, 2 Garden Place (Chatham Borough), read from the historical section of the Township's Master Plan. He also said that the Pilgrim Pipeline route would be in close proximity to the Lewis Noe Homestead. Mr. Keating commended the Township for this ordinance.
6. Dot Stillinger said that the Environmental Commission agreed unanimously that petroleum products are hazardous materials, and she cited reasons why the Environmental Commission supports Ordinance 2015-10.

Seeing no further comment, Mayor Sullivan closed the Public Hearing.

Committeeman Kelly moved to adopt Ordinance 2015-10. Committeewoman Swartz seconded the motion.

Roll call: Committeeman Gallop, Absent; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

The audience present applauded the Township Committee for the passage of Ordinance 2015-10.

Mayor Sullivan thanked those residents and groups who have contributed to the grass roots effort opposing the Pilgrim Pipeline. Deputy Mayor Ritter commended Mayor Sullivan and Attorney Cruz for taking a leadership role on this ordinance.

Introduction of Ordinances

Ordinance 2015-12 Bond Ordinance

Mayor Sullivan said that because of the extent of the road repairs which need to be performed this year, the money that was originally intended to be appropriated in 2016 will instead be appropriated this year so that more road repairs can be performed in 2015. Administrator Ciccarone said that the Township would endeavor to perform the additional work in 2015. If the work is not able to be performed this year, then at least the money will already be appropriated so that it can be performed as early as possible in 2016. The bond ordinance as drafted would have appropriated \$2.3 million, but will be revised to appropriate \$2.6 million, which will include the extra \$300,000 for road improvements. The revised ordinance will be scheduled for introduction on May 14, 2015 with a public hearing and introduction on May 28, 2015.

Consent Agenda

RESOLUTION 2015-089

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

Construction Official – March
Tax Collector – March
CFO – March
Police Department – March
State Training Fees – 1st Quarter
Vital Statistics – 1st Quarter
Dog/Cat Licenses – 1st Quarter
Raffle Licenses – 1st Quarter

RESOLUTION 2015-090

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on April 9, 2015.

**RESOLUTION 2015-091
RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BID OF FAIRMOUNT COUNTRY STORE FOR THE OPERATION OF THE CAFÉ AT COLONY POOL**

WHEREAS, the Township of Chatham has prepared the necessary bid documents and published the appropriate advertisements to enable it to seek bids for the operation of the Café at Colony Pool; and

WHEREAS, bids were duly received and opened on April 14, 2015 at 10:00 a.m.; and

WHEREAS, the bid of the Fairmount Country Store was the bid most responsive to the specifications, has been reviewed for compliance with the instructions to bidders and has been found to be fully conforming, and therefore may be awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, the bid of the Fairmount Country Store is hereby accepted, and the Mayor and Clerk are hereby authorized to execute a contract with the Fairmount Country Store in accordance with the bid specifications.

**RESOLUTION 2015-092
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES AND SEWER UTILITY FEES**

WHEREAS, an overpayment of property taxes or sewer utility fees has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
70	5	Ewing, Michael & Amy 110 Southern Blvd. Chatham Township, NJ Property: 110 Southern Blvd.	\$3,110.59

**RESOLUTION 2015-093
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPOINTING MEMBERS TO THE COLONY POOL ADVISORY COMMITTEE**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following appointment be made effective immediately:

Colony Pool Advisory Committee:

- | | |
|------------------|--------|
| 1. John C. Tunny | (2015) |
| 2. Carol Murray | (2015) |

**RESOLUTION 2015-094
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING ESTIMATED TAX BILLING**

WHEREAS, due to the expected late adoption of the State of New Jersey's budget the Morris County Board of Taxation will be unable to certify the tax rate throughout the County, and the Township's Tax Collector will be unable to mail the tax bills on a timely basis;

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

1. The Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2015 taxes. The Tax Collector shall proceed

and take such actions as permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).

- 2. The entire estimated tax levy for 2015 is hereby set at \$52,919,603.16.
- 3. In accordance with the law, the third installment of 2015 taxes shall not be subject to interest until the later of: the end of the grace period, or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

RESOLUTION 2015-095
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Hercules Septic/Sewer LLC 208 Glen Crest Dr Branchburg, NJ 08853	ROI 08—62.08-4 30 Nicholson Drive	7760011228	\$888.00
Iannellia General Contracting LLC 348 Maple Street New Providence, NJ 07974	ROI 10-62.06-2 93 Van Houton Ave	7760011308	\$1511.11
Simonfay Landscaping 150 Main Street Chatham, NJ 07928	ROI 14-102.11-52 1 Dale Drive	7761693529	\$534.00

RESOLUTION 2015-096
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING THE LIST OF VOLUNTEERS ELIGIBLE FOR LOSAP

WHEREAS, the Township of Chatham has received a list of volunteers eligible for LOSAP from the Green Village Volunteer Fire Department, the Chatham Township Volunteer Fire Department and the Chatham Emergency Squad; and

WHEREAS, the Township Committee has reviewed the list from each emergency service organization;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the volunteers on the attached certified lists are hereby approved as being eligible for LOSAP.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to each emergency service organization for a 30-day posting.

Mayor Sullivan announced the names of the new appointees to the Colony Pool Advisory Committee. He also noted that the Fairmount Country Store will be operating the snack bar at Colony Pool.

Committeeman Kelly moved to approve the Consent Agenda. Mayor Sullivan seconded the motion.

Roll call: Committeeman Gallop, Absent; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.
Seeing none, Mayor Sullivan closed the Hearing of Citizens.

Executive Session

RESOLUTION 2015-P-04 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Pending or anticipated litigation: In Re the Township of Chatham Declaratory Judgment Action Seeking Approval of the Township's Housing Element and Fair Share Affordable Housing Plan
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Mayor Sullivan announced that the Township Committee would not be taking any formal action following Executive Session.

Deputy Mayor Ritter moved to pass Resolution 2015-P-04 to enter Executive Session at 8:45 PM. Committeeman Kelly seconded the motion.

Roll call: Committeeman Gallop, Absent; Committeeman Kelly, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

The Township Committee returned from Executive Session, and the meeting was adjourned at 9:58 PM.

Gregory J. LaConte
Township Clerk